

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 12, 2009

Charles R. Fulbruge III
Clerk

No. 07-41221
Summary Calendar

WILLIAM ROBERT THOMPSON

Plaintiff-Appellant

v.

SANDRA SMOCK; CHARLES ADAMS, Doctor; UNIVERSITY OF TEXAS
MEDICAL BRANCH GALVESTON TEXAS

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:04-CV-637

Before HIGGINBOTHAM, ELROD, and HAYNES, Circuit Judges.

PER CURIAM:*

William Robert Thompson, Texas prisoner # 824551, filed an untimely notice of appeal from the district court's dismissal of his 42 U.S.C. § 1983 complaint. The district court entered an order apprising Thompson that he must file no later than December 27, 2007, a motion pursuant to FED. R. APP. P. 4(a)(5)(A) for an extension of time to file his notice of appeal. The order informed

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Thompson that he must show excusable neglect or good cause to justify the granting of an extension.

Thompson did not comply with the district court's order. He has not filed a motion for an extension of time to file his notice of appeal or any pleading that might be construed as such.

A timely notice of appeal is a jurisdictional requirement. *Bowles v. Russell*, [127 S. Ct. 2360, 2366](#) (2007). The absence of a timely notice of appeal in this case means that this court lacks jurisdiction over the appeal. *Id.* The instant appeal is therefore DISMISSED.